

**REPORT OF THE AUDIT OF THE  
ADAIR COUNTY  
SHERIFF'S SETTLEMENT - 2008 TAXES**

**For The Period  
April 26, 2008 Through April 24, 2009**



**CRIT LUALLEN  
AUDITOR OF PUBLIC ACCOUNTS  
[www.auditor.ky.gov](http://www.auditor.ky.gov)**

**209 ST. CLAIR STREET  
FRANKFORT, KY 40601-1817  
TELEPHONE 502.564.5841  
FACSIMILE 502.564.2912**



**EXECUTIVE SUMMARY**

**AUDIT EXAMINATION OF THE  
ADAIR COUNTY  
SHERIFF'S SETTLEMENT - 2008 TAXES**

**For The Period  
April 26, 2008 Through April 24, 2009**

The Auditor of Public Accounts has completed the audit of the Sheriff's Settlement - 2008 Taxes for the Adair County Sheriff for the period April 26, 2008 through April 24, 2009. We have issued an unqualified opinion on the financial statement taken as a whole. Based upon the audit work performed, the financial statement is presented fairly in all material respects.

**Financial Condition:**

The Sheriff collected taxes of \$4,636,543 for the districts for 2008 taxes, retaining commissions of \$191,215 to operate the Sheriff's office. The Sheriff distributed taxes of \$4,438,929 to the districts for 2008 taxes. Taxes of \$269 are due to the districts from the Sheriff and refunds of \$410 are due to the Sheriff from the taxing districts.

**Report Comment:**

- The Sheriff's Office Lacks An Adequate Segregation Of Duties

**Deposits:**

The Sheriff's deposits as of December 8, 2008 were exposed to custodial credit risk as follows:

- Uncollateralized and Uninsured    \$183,126

The Sheriff's deposits were covered by FDIC insurance and a properly executed collateral security agreement, but the bank did not adequately collateralize the Sheriff's deposits in accordance with the security agreement.



## CONTENTS

PAGE

INDEPENDENT AUDITOR'S REPORT .....	1
SHERIFF'S SETTLEMENT - 2008 TAXES.....	3
NOTES TO FINANCIAL STATEMENT .....	5
REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF THE FINANCIAL STATEMENT PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS .....	9
COMMENT AND RECOMMENDATION .....	13





CRIT LUALLEN  
AUDITOR OF PUBLIC ACCOUNTS

To the People of Kentucky  
Honorable Steven L. Beshear, Governor  
Jonathan Miller, Secretary  
Finance and Administration Cabinet  
Honorable Ann Melton, Adair County Judge/Executive  
Honorable Ralph Curry, Adair County Sheriff  
Members of the Adair County Fiscal Court

Independent Auditor's Report

We have audited the Adair County Sheriff's Settlement - 2008 Taxes for the period April 26, 2008 through April 24, 2009. This tax settlement is the responsibility of the Adair County Sheriff. Our responsibility is to express an opinion on this financial statement based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States, and the Audit Guide for Sheriff's Tax Settlements issued by the Auditor of Public Accounts, Commonwealth of Kentucky. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As described in Note 1, the Sheriff's office prepares the financial statement in accordance with the modified cash basis, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America.

In our opinion, the accompanying financial statement referred to above presents fairly, in all material respects, the Adair County Sheriff's taxes charged, credited, and paid for the period April 26, 2008 through April 24, 2009, in conformity with the modified cash basis of accounting.

In accordance with Government Auditing Standards, we have also issued our report dated October 30, 2009, on our consideration of the Sheriff's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards and should be considered in assessing the results of our audit.



To the People of Kentucky  
Honorable Steven L. Beshear, Governor  
Jonathan Miller, Secretary  
Finance and Administration Cabinet  
Honorable Ann Melton, Adair County Judge/Executive  
Honorable Ralph Curry, Adair County Sheriff  
Members of the Adair County Fiscal Court

Based on the results of our audit, we present the accompanying comment and recommendation, included herein, which discusses the following report comment:

- The Sheriff's Office Lacks An Adequate Segregation Of Duties

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Crit Luallen", written in a cursive style.

Crit Luallen  
Auditor of Public Accounts

October 30, 2009



ADAIR COUNTY  
RALPH CURRY, SHERIFF  
SHERIFF'S SETTLEMENT - 2008 TAXES

For The Period April 26, 2008 Through April 24, 2009

<u>Charges</u>	County Taxes	Special Taxing Districts	School Taxes	State Taxes
Real Estate	\$ 498,216	\$ 739,924	\$ 1,997,796	\$ 601,805
Tangible Personal Property	59,919	64,789	141,972	106,398
Fire Protection	2,208			
Increases Through Exonerations	68	102	275	83
Franchise Taxes	79,759	96,359	229,709	
Additional Billings	30	40	104	47
Omitted Oil/Gas Property Taxes	5,387	8,001	21,603	6,507
Oil and Gas Property Taxes	6,554	9,733	26,280	7,917
Limestone, Sand and Mineral Reserves	254	377	1,018	307
Bank Franchises	72,841			
Penalties	5,945	8,659	23,127	7,006
Adjusted to Sheriff's Receipt	(29)	1,234	(11)	(4)
Gross Chargeable to Sheriff	731,152	929,218	2,441,873	730,066
<u>Credits</u>				
Exonerations	4,798	6,798	17,756	5,275
Discounts	9,894	11,918	31,468	9,768
Delinquents:				
Real Estate	6,632	9,828	26,534	7,993
Tangible Personal Property	100	108	236	66
Delinquent Oil	5,989	8,895	24,016	7,235
Tax rate correction (See Note 7)		445		
Franchise Taxes	3	3	8	
Total Credits	27,416	37,995	100,018	30,337
Taxes Collected	703,736	891,223	2,341,855	699,729
Less: Commissions *	30,196	37,319	93,674	30,026
Taxes Due	673,540	853,904	2,248,181	669,703
Penalty				7
Taxes Paid	672,671	853,029	2,244,693	668,536
Refunds (Current and Prior Year)	833	1,236	3,303	1,175
Due Districts or (Refunds Due Sheriff) as of Completion of Audit	\$ 36	\$ (361)	\$ 185	\$ (1)

\*\*

The accompanying notes are an integral part of this financial statement.

ADAIR COUNTY  
RALPH CURRY, SHERIFF  
SHERIFF'S SETTLEMENT - 2009 TAXES  
For The Period April 26, 2008 Through April 24, 2009  
(Continued)

\* Commissions:

10% on	\$	10,000
4.25% on	\$	2,061,355
4% on	\$	2,565,188

\*\* Special Taxing Districts:

Library District	\$	14
Health District		12
Extension District		10
Soil District		12
Ambulance		(409)

Due Districts or		
(Refund Due Sheriff)		(361)

ADAIR COUNTY  
NOTES TO FINANCIAL STATEMENT

April 24, 2009

Note 1. Summary of Significant Accounting Policies

A. Fund Accounting

The Sheriff's office tax collection duties are limited to acting as an agent for assessed property owners and taxing districts. A fund is used to account for the collection and distribution of taxes. A fund is a separate accounting entity with a self-balancing set of accounts. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

B. Basis of Accounting

The financial statement has been prepared on a modified cash basis of accounting. Basis of accounting refers to when charges, credits, and taxes paid are reported in the settlement statement. It relates to the timing of measurements regardless of the measurement focus.

Charges are sources of revenue which are recognized in the tax period in which they become available and measurable. Credits are reductions of revenue which are recognized when there is proper authorization. Taxes paid are uses of revenue which are recognized when distributions are made to the taxing districts and others.

C. Cash and Investments

At the direction of the fiscal court, KRS 66.480 authorizes the Sheriff's office to invest in the following, including but not limited to, obligations of the United States and of its agencies and instrumentalities, obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States, obligations of any corporation of the United States government, bonds or certificates of indebtedness of this state, and certificates of deposit issued by or other interest-bearing accounts of any bank or savings and loan institution which are insured by the Federal Deposit Insurance Corporation (FDIC) or which are collateralized, to the extent uninsured, by any obligation permitted by KRS 41.240(4).

Note 2. Deposits

The Adair County Sheriff maintained deposits of public funds with depository institutions insured by the Federal Deposit Insurance Corporation (FDIC) as required by KRS 66.480(1)(d). According to KRS 41.240(4), the depository institution should pledge or provide sufficient collateral which, together with FDIC insurance, equals or exceeds the amount of public funds on deposit at all times. In order to be valid against the FDIC in the event of failure or insolvency of the depository institution, this pledge or provision of collateral should be evidenced by an agreement between the Sheriff and the depository institution, signed by both parties, that is (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, which approval must be reflected in the minutes of the board or committee, and (c) an official record of the depository institution.

ADAIR COUNTY  
NOTES TO FINANCIAL STATEMENT  
April 24, 2009  
(Continued)

Note 2. Deposits (Continued)

Custodial Credit Risk - Deposits

Custodial credit risk is the risk that in the event of a depository institution failure, the Sheriff's deposits may not be returned. The Sheriff does not have a deposit policy for custodial credit risk but rather follows the requirements of KRS 41.240(4). As of April 24, 2009, all deposits were covered by FDIC insurance or a properly executed collateral security agreement. However, as of December 8, 2008, public funds were exposed to custodial credit risk because the bank did not adequately collateralize the Sheriff's deposits in accordance with the security agreement.

- Uncollateralized and Uninsured \$183,126

Note 3. Tax Collection Period

Property Taxes

The real and personal property tax assessments were levied as of January 1, 2009. Property taxes were billed to finance governmental services for the year ended June 30, 2008. Liens are effective when the tax bills become delinquent. The collection period for these assessments was September 25, 2008 through April 24, 2009.

Note 4. Interest Income

The Adair County Sheriff earned \$7,789 as interest income on 2008 taxes. The Sheriff distributed interest to the school district as required by statute, and the remainder was used to operate the Sheriff's office. As of October 30, 2009, the School owed \$34 in interest to the Sheriff and the Sheriff owed \$89 in interest to his fee account.

Note 5. Sheriff's 10% Add-On Fee

The Adair County Sheriff collected \$38,162 of 10% add-on fees allowed by KRS 134.430(3). This amount was used to operate the Sheriff's office

Note 6. Advertising Costs And Fees

The Adair County Sheriff collected \$2,070 of advertising costs and \$3,665 of advertising fees allowed by KRS 424.330(1) and KRS 134.440(2). The Sheriff distributed the advertising costs to the county as required by statute, and the advertising fees were used to operate the Sheriff's office.

Note 7. Rate Correction

The Ambulance tax rate used to calculate tax bills for tangible boat tax was .08 when it should have been .039. The financial statement has been adjusted by \$445 in order to reflect refunds due to taxpayers.

REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON  
COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF THE FINANCIAL  
STATEMENT PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS





**CRIT LUALLEN**  
**AUDITOR OF PUBLIC ACCOUNTS**

The Honorable Ann Melton, Adair County Judge/Executive  
Honorable Ralph Curry, Adair County Sheriff  
Members of the Adair County Fiscal Court

**Report On Internal Control Over Financial Reporting And On  
Compliance And Other Matters Based On An Audit Of The Financial  
Statement Performed In Accordance With Government Auditing Standards**

We have audited the Adair County Sheriff's Settlement - 2008 Taxes for the period April 26, 2008 through April 24, 2009, and have issued our report thereon dated October 30, 2009. The Sheriff prepares his financial statement in accordance with a basis of accounting other than generally accepted accounting principles. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States.

**Internal Control Over Financial Reporting**

In planning and performing our audit, we considered the Adair County Sheriff's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statement, but not for the purpose of expressing an opinion on the effectiveness of the Adair County Sheriff's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the Adair County Sheriff's internal control over financial reporting.

Our consideration of internal control over financial reporting was for the limited purpose described in the preceding paragraph and would not necessarily identify all deficiencies in internal control over financial reporting that might be significant deficiencies or material weaknesses. However as discussed below, we identified a certain deficiency in internal control over financial reporting that we consider to be a significant deficiency.

A control deficiency exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect misstatements on a timely basis. A significant deficiency is a control deficiency, or combination of control deficiencies, that adversely affects the entity's ability to initiate, authorize, record, process, or report financial data reliably in accordance with the modified cash basis of accounting such that there is more than a remote likelihood that a misstatement of the entity's financial statement that is more than inconsequential will not be prevented or detected by the entity's internal control over financial reporting. We consider the deficiency described in the accompanying comment and recommendation to be a significant deficiency in internal control over financial reporting.

- The Sheriff's Office Lacks An Adequate Segregation Of Duties



Report On Internal Control Over Financial Reporting And On  
Compliance And Other Matters Based On An Audit Of The Financial  
Statement Performed In Accordance With Government Auditing Standards  
(Continued)

Internal Control Over Financial Reporting (Continued)

A material weakness is a significant deficiency, or combination of significant deficiencies, that results in more than a remote likelihood that a material misstatement of the financial statement will not be prevented or detected by the entity's internal control. Our consideration of the internal control over financial reporting was for the limited purpose described in the first paragraph of this section and would not necessarily identify all deficiencies in the internal control that might be significant deficiencies and, accordingly, would not necessarily disclose all significant deficiencies that are also considered to be material weaknesses. However, we consider the significant deficiency described above to be a material weakness.

Compliance And Other Matters

As part of obtaining reasonable assurance about whether the Adair County Sheriff's Settlement - 2008 Taxes for the period April 26, 2008 through April 24, 2009, is free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under Government Auditing Standards.

This report is intended solely for the information and use of management, the Adair County Fiscal Court, and the Department for Local Government and is not intended to be and should not be used by anyone other than these specified parties.

Respectfully submitted,



Crit Luallen  
Auditor of Public Accounts

October 30, 2009



COMMENT AND RECOMMENDATION



ADAIR COUNTY  
RALPH CURRY, SHERIFF  
COMMENT AND RECOMMENDATION

For The Period April 26, 2008 Through April 24, 2009

INTERNAL CONTROL - SIGNIFICANT DEFICIENCY AND MATERIAL WEAKNESS:

The Sheriff's Office Lacks An Adequate Segregation Of Duties

The Sheriff's office has a lack of segregation of duties over receipts and expenditures. The Sheriff's bookkeeper collects receipts and is responsible for preparing deposits and posting receipts to the ledger. The bookkeeper also prepares disbursement checks, monthly reports, and the monthly bank reconciliations. Adequate segregation of duties would prevent the same person from having a significant role in the process, recording and reporting of receipts and expenditures. The Sheriff should strengthen internal controls by either segregating the duties or by implementing and documenting compensating controls.

*Sheriff's Response:* None.

